

## Remarks

Claim 30 is objected to but would be allowable if rewritten in independent form including the features of the base claims. Accordingly Applicant has amended base claim 29 to include the limitations of claim 29. The rejection to claim 29 is now traversed.

Accordingly, it is believed that the application is now in condition for allowance.

Applicant respectfully provides the following comments for the record:

Referring to the Dare drawings, and assuming a 2-inch OD macaroni string, it appears the Dare bore is perhaps  $2 \frac{3}{4}$  at best. Dare does not provide the large diameter bore as per original claim 29. To modify Dare to cut  $2 \frac{3}{4}$ " tubulars, which are exponentially more difficult to cut, requires at a minimum, changing dimension D, the angle of sides 92, notch 94, inclined surface 98, second or low undercut region 100 including angle B and angle D. This is far beyond routine experimentation. Moreover, there appears to little or no chance of success, given the long term failure of those of skill in the art to provide these critical features prior to Applicant.

The Dare device is not capable of cutting the size pipe specified in claim 29 and is not operable for cutting pipe within a large bore. As best as Applicant can determine, there is no reason to believe one of skill in the art would know how to modify Dare and remain within the weight limitations of the claim. Dare himself appears to be unconcerned about weight.

Moreover, it is difficult to provide a cut of relatively large diameter pipe within a large bore. So far as is known, Applicants' downhole valve is the only large bore valve, other than a BOP, to be certified as capable of cutting tubing, as well as coiled tubing and wireline.

Finally, the previous Office Action of 02/03/09 states that Dare is capable of cutting pipe larger than macaroni pipe because Col. 5, lines 2-3 states that Dare can be used to "shear off the large diameter tubing 46 or the smaller diameter 'macaroni' type

tubing 106 shown in FIG. 6." However, according to Dare, the "large diameter tubing 46" is simply a larger type of macaroni tubing, which may be as large as two inches in diameter with a wall thickness of 1/8". See Col. 3, lines 23-25 where Dare says "macaroni tubing [such as] as the relatively large string of steel tubing 46." See also Col. 1, lines 25-28 which where Dare describes the range of macaroni tubing his invention will handle, which ranges from one inch in diameter to "two inches in diameter."

Respectfully submitted,

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